

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



STATEMENT OF

KEVIN B. O'CONNOR
ASSISTANT TO THE GENERAL PRESIDENT

BEFORE THE
HOUSE SUBCOMMITTEE ON
RAILROADS, PIPELINES AND HAZARDOUS
MATERIALS

ON

RAILROAD AND HAZARDOUS MATERIALS
TRANSPORTATION PROGRAMS:
REFORMS AND IMPROVEMENTS TO REDUCE
REGULATORY BURDENS

APRIL 7, 2011

Good morning, Chairman Shuster, Ranking Member Brown, and distinguished members of the Subcommittee. Thank you for the opportunity to testify before you today. My name is Kevin O'Connor, and I am pleased to appear before you today on behalf of IAFF General President Harold Schaitberger, and the 300,000 men and women who comprise the International Association of Fire Fighters.

IAFF members protect eighty percent of the nation's population and serve as the first line of defense during any hazardous materials incident. I testify today not only as a representative of those responders, but also as someone who understands first-hand the importance of this issue. Before joining the IAFF staff, I spent 15 years as a fire fighter in Baltimore County, Maryland, and have responded to hundreds of emergency calls involving hazardous materials. In fact, for a portion of my career, I was assigned to an Engine company that was a satellite hazmat response team and was trained to the technician level of emergency response.

It is from this front-line perspective that I wish to discuss the essential role the Department of Transportation plays in ensuring a safe and effective response to hazmat incidents. DoT's ability to deliver appropriate training and time critical information are as essential as turnout gear in keeping fire fighters safe, and protecting the community.

The Need for Training

According to the National Fire Protection Association (NFPA), fire departments in the United States receive over 350,000 calls related to hazardous materials emergency response each year. As the number of hazardous materials incidents has increased, so too has the complexity and dangerous nature of responding to such incidents. This is especially true as it relates to our nation's transportation systems. Hazardous materials of nearly every class are to be found on our nation's roads and rails, skies and seas. These materials may react violently to air or water, cause serious injury to individuals when inhaled or upon skin exposure, and may pose new hazards when exposed to other materials. While their transportation is generally safe and uneventful, an accident or incident involving hazardous material can easily place the general public, as well as the individuals who respond to such incidents, at risk.

When an incident involving the transportation of hazardous materials does occur, the individuals tasked with responding to and containing the incident are, almost without fail, fire fighters. Unfortunately, despite the potential for a hazmat incident in every community in America, far too many fire fighters are insufficiently trained to ensure a safe and effective response. In its Second Needs Assessment of the U.S. Fire Service, NFPA estimates that thirty-eight percent of fire fighters whose duties involve hazmat response lack formal training of any kind. Furthermore, only twenty-nine percent of fire departments report all personnel to be trained in even the basics of hazmat response.

While it is clear from such figures that training is needed for new recruits and personnel who have yet to undergo training, it is also worth noting the hazardous materials response

training is not a one-time event. It is essential that all first responders undergo refresher training to ensure continued proficiency. The Occupational Safety and Health Administration's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) requires emergency responders to receive annual refresher training "of sufficient content and duration to maintain their competencies." In addition to providing responders the opportunity to maintain their skills, refresher training is vital to familiarize responders with new technology which may be used or encountered during a response.

Unfortunately, the lack of adequately trained personnel in the fire service can have serious real-world implications including property loss, death and injury to both private citizens and responding fire fighters.

In addition to the threat inadequate training poses to lives and property, an improper response can also have serious economic implications. Emergency managers quite properly consider worst case scenarios. If there is a hazmat incident in which the first responders lack the training necessary to assess the danger, emergency management officials will err on the side of caution. This means that major highways are shut down and even large scale evacuations are ordered unnecessarily. These everyday occurrences result in millions of dollars of lost productivity.

Given the threat to individuals' personal safety and economic well-being, it is incumbent that we ensure fire fighters nationwide receive hazardous materials training to provide a safe and effective response.

IAFF Training Programs

Under DoT's Hazardous Materials Emergency Preparedness (HMEP) grants program, the IAFF has received an annual grant to train instructors to deliver hazardous materials training to emergency responders nationwide, in the largest metropolitan areas to remote rural communities. The IAFF takes its mandate to train first responders extremely seriously, employing a full-time, dedicated staff to administer our training programs. We provide training to any and all responders whose duty potentially includes hazmat response, including both professional and volunteer fire fighters, free of charge. This grant has enabled the IAFF to significantly increase training rates in the first responder community, training over 3,000 instructors who have gone on to provide training to nearly 70,000 emergency responders.

The IAFF's unique training model avails responders with real-world training in hazardous materials response that few institutions can match, delivered by instructors who are both certified fire instructors and certified hazmat responders. Furthermore, because the instructors trained through the IAFF's HMEP program deliver training directly to responders in their own communities, instructors are able to tailor their presentations to address the unique concerns and challenges to a particular community, such as a chemical plant or specific hazardous materials shipping route.

Independent evaluations of IAFF training have found its training programs to be cost-effective, providing significant hands-on training for a low cost per contact hour.

The IAFF's model is a "train the trainer/peer to peer" program. Fire Fighters who are trained to administer the course actually teach their colleagues. Consequently, because of the shared experiences, there is an inherent trust and connection between teacher and student. Moreover, the program is financially efficient because overhead is kept at a minimum. Trainers are only compensated when they are actually teaching a class. There is no down time.

A cadre of qualified instructors are located across the nation. When a jurisdiction seeks a training program, the IAFF assigns instructors from the general area. Consequently, travel and associated costs are greatly reduced.

Evaluations have also found instruction to be highly effective, with students reporting high post-course confidence and achieving high post-quiz scores. Quite simply, the IAFF provides the finest hazmat training at the lowest cost of any existing training program, and we urge the committee to continue funding this invaluable program.

Increasing Effectiveness of Current Training Programs

In these difficult budgetary times it is imperative that we make the best use of every available dollar. This is especially true in the area of training emergency responders. As the recession lingers at the local level, fire department budgets nationwide have incurred significant cuts, and money spent on training is often the first casualty of such cuts. As a result, we must assure that federal programs are not only effective but cost-efficient.

One limitation in current law that restricts our ability to maximize available resources is the requirement that we can only train instructors to deliver hazmat response training programs in their own communities. While this train-the-trainer model has many advantages, it also has inherent limitations. Most notably, trainers' effectiveness depends on the support they receive in their own communities. Many fire departments, struggling with budgetary cutbacks, are reluctant to schedule training, even with a fully qualified instructor already on staff. This is especially true for the higher level "hazardous materials technician" training, which is intended for those who serve on specialized hazmat teams.

While the IAFF provides a variety of fire fighter training courses, none is more in demand than our hazmat technician training. We have a backlog of requests from fire departments as big as Boston and as small as Palatka, Florida.

We therefore believe the IAFF's exemplary training program could be made even better by funding direct training for hazardous materials technicians. This would enable the IAFF to provide training that would greatly expand the number of highly proficient hazmat responders. Best of all, we believe we could expand our program to include

direct training of hazardous materials technicians within the current grant award. No additional funding would be necessary to add this component.

Providing Appropriate Training

To maximize the effectiveness of its training resources, the Department of Transportation should ensure that responders receive the type of training that is most appropriate for their duties. Unfortunately, we believe that much of the training being provided to fire fighters is intended for a different audience. As a result, scarce resources are being used to provide training that is providing little or no benefit.

OSHA regulations identify five different training levels for workers who may be required to respond to hazmat incidents as part of their duties: Awareness Level, Operations Level, Hazardous Materials Technician, Hazardous Materials Specialist, and On-Scene Incident Commander. Each of these training levels has a unique curriculum.

Awareness Level training is for individuals, such as transportation workers *"who are likely to witness or discover a hazardous substance release"* in the course of their duties. Awareness level training teaches these workers to *"initiate an emergency response sequence by notifying the proper authorities"* which, in most cases, would be a fire department. Those who are trained at the Awareness Level *"would take no further action beyond notifying the authorities of the release."*

Operations Level training is intended for the first arriving public safety officer. This training is for workers *"who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release."* Such responders do not have specialized hazardous materials mitigation skills. Rather, *"their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures."*

Any fair reading of these straightforward regulations would conclude that Operations level training is the minimum level intended for fire fighters. Providing Awareness level training to fire fighters is not merely inadequate, it is completely off topic. There is little point in training fire fighters to learn when and how to call the fire department.

Unfortunately, that is exactly what many states are doing with funds provided by the Department of Transportation. State governments are using the perverse logic that because Awareness level training requires less hours than Operations Level, they can train more fire fighters with the available money. But training more people is pointless if the training is not giving them the skills they need to protect the public safety.

We therefore believe that Congress should require that all training delivered to fire fighters through the HMEP grant program should be at the operations level or greater.

Improving Hazardous Materials Identification Tools

In addition to bolstering their emergency responder training programs, the Department of Transportation has an important role to play in making it easier for responders to identify hazardous materials. Accurate, timely information is key to any successful emergency response, and it is especially critical on a hazmat call. Without the ability to quickly and accurately identify hazardous cargo and numerous crucial details about such cargo, fire fighters may lack the information necessary for a safe and proper response.

Fire fighters currently rely on two simple but effective tools to identify hazardous materials during transportation: placards and shipping papers. These simple tools have generally proven successful in their ability to relay information to first responders because they are highly recognizable and easy to understand, two important criteria in the high-stress and chaotic scene of a hazardous materials incident. Despite their life-saving importance, placards and shipping papers also have serious limitations – they may be damaged, hidden or unreachable during an incident. A fire enveloping a tractor-trailer, for instance, may destroy physical shipping papers, and the smoke from the fire may obscure a placard from sight. And, although the information they provide is crucial, it is limited in its scope.

New technologies can help first responders better identify hazardous materials and better inform such individuals on how best to respond to an emergency involving such materials. Congress has repeatedly sought to improve emergency responder identification systems over the past two decades. In 1990, Congress directed the Department of Transportation to undertake a rulemaking to improve identification systems and funded a National Academy of Sciences study on the subject. In 1994, Congress directed the Department to fund pilot projects testing certain identification technologies. Despite these efforts, there have not been any significant improvements in hazardous cargo identification systems in more than thirty years.

One promising technological initiative is the establishment of an electronic freight management program. Providing access to continuously updated electronic shipping information will help emergency responders identify hazardous substances during a hazmat incident without putting personnel at risk. An electronic system also has the potential to enhance a department's response by providing details shipping papers might lack, such as comprehensive first aid information.

While such a system would unquestionably be beneficial to responders, there are obstacles that must be overcome before it could be fully deployed. The mobile electronic equipment necessary to receive such information at the scene of an incident may be prohibitively expensive for many fire departments. Additionally, spotty wireless reception may preclude many departments from receiving information at the scene of an incident, especially for incidents that occur in rural areas.

Despite these limitations, electronic freight management can provide another important tool in the fire fighter's arsenal when responding to a hazmat incident, and we urge the committee to support efforts to develop these information technologies.

We are also supportive of proposals to establish a commodity flow tracking system. Tracking and mapping commodity movements throughout the United States will provide responders with a more complete picture of threats facing particular communities, allowing state and local governments the opportunity to better protect their communities and plan for potential emergencies. For example, knowing that ammonia is regularly shipped through a community will allow the local fire department to ensure that its personnel are fully trained in how to respond to an ammonia release, how to treat injuries due to ammonia inhalation, and how to best protect the community and themselves in such a scenario. Such information will also help local departments pre-plan evacuation scenarios, stockpile needed equipment, and conduct exercises to ensure their responders are practiced in incidents involving ammonia.

It is also important to ensure that incident commanders have ready access to e-shipping and commodity flow data. In the chaos of a hazmat incident, responders do not have the luxury of time. Whatever systems are developed must guarantee that incident commanders can access information on-demand, twenty-four hours a day, and that such information be accurate and up-to-date.

Even with the aid of these emerging technologies, placards and physical shipping papers will remain essential tools for fire fighters on the scene of a hazardous materials incident for the foreseeable future. In the world of hazardous materials incidents, redundancy and simplicity of information is not simply convenient, it can be life-saving. It is therefore crucial that new identification tools supplement, rather than replace, current requirements for placarding and physical shipping papers.

Conclusion

On behalf of the International Association of Fire Fighters, I appreciate the opportunity to share with you our views on ways to improve our nation's hazardous materials response capabilities. By improving emergency responder training and enhancing hazmat identification tools, fire fighters will be better able to guarantee that our nation's transportation network remains a safe and efficient mode for private travel and public commerce. To the extent that the IAFF can assist the Subcommittee in achieving this vision, I am happy to offer our expertise and pledge to work closely with you and your staffs.

Again, I'd like to thank the Subcommittee for the opportunity to testify today and am happy to answer any questions you may have.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name: Kevin B. O'Connor

(2) Other than yourself, name of entity you are representing:

International Association of Fire Fighters


(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES ☒ If yes, please provide the information requested below and attach your curriculum vitae.

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

See attached.



Signature

4-5-11
Date

**International Association of Fire Fighters
Schedule of Federal Grants - In order of Start Date**

As of April 6, 2011

Grant ID Number		Name of Grant		G/L Program	Granting Agency	Funding Cycle	Total Award Amount	Purpose of Award
Contract No:	W91CRB-04-C-0027	TSWG		0068	US Army	04/06/04 - 12/15/09	1,933,894	New PPE Development
Award No:	2008-GT-T8-K001	DHS 2008		HM-5401	US Department of Homeland Security / FEMA	10/01/07-09/30/10	1,000,000	First Responder Tech Training
Grant No:	EMW-2007-FP-02453	Fire Act 2007		0066	US Department of Homeland Security / FEMA	06/20/08 - 12/10/09	995,999	Fire Prevention & FF Safety
Award No:	HSQDC-08-C-00095	SCBA 2008		0053	US Department of Homeland Security/ FEMA	07/01/08-03/31/11	2,497,671	Breathing Apparatus
Award No:	EMW-2008-CA-0593	EVS 2008		0054	Department of Homeland Security/FEMA/USFA	07/01/08--06/30/10	100,000	Emergency Vehicle Safety
Award No:	5U45ES0006167-17	NIEHS-HWWT		HM-4201	NIEHS	08/01/08-07/31/09	751,555	Hazmat Training
Award No:	5U45ES0006167-17	NIEHS-HDPTP		HM-6401	NIEHS	08/01/08-07/31/09	290,081	HazMat Training
Award No:	5U45ES009759-17	NIEHS-DOE		HM-4601	NIEHS	09/01/08-08/31/09	792,833	DOE Site Response Training
Award No:	5T15OH009230-02	NIOSH		HM-4001	NIOSH	09/30/08-09/29/09	1,771,109	First Reponder Training
Award No:	HMST18102070	DOT		HM-4801	DOT	09/30/08-09/30/09	1,000,000	First Responder Training
Award No:	SH178120860F11	OSHA		HM-5001	OSHA-Susan Harwood	09/30/08-09/30/10	265,723	First Responder Training

Award No: 1515-13-IN1/276	Government of Canada	IAFF-6300	CBRN Yr 1		04/01/08-03/31/09	500,000	Canadian First Responder Training
Award No: 1515-13-IN1/276	Government of Canada	IAFF-6301	CBRN Yr 2		04/01/09-03/31/10	500,000	Canadian First Responder Training
Award No: 1515-13-IN1/276	Government of Canada	IAFF-6302	CBRN Yr 3		04/01/09-03/31/10	500,000	Canadian First Responder Training
Award No: 5T15OH009230-03	NIOSH	HM-4002	NIOSH 2009		09/30/09-09/29/10	1,771,109	First Responder Training
Award No: 5U45E5006167-18	NIEHS-HDPTP	HM-6402	HDPTP 2009		08/01/09-07/31/10	289,635	First Responder Training
Award No: 5U45E5006167-18	NIEHS-HWWT	HM-4202	HWWT 2009		08/01/09-07/31/10	750,311	First Responder Training
Award No: 5U45ES009759-18	NIEHS-DOE	HM-4602	NIEHS-DOE		09/01/09-08/31/10	625,924	DOE Site Response Training
Award No: 2009-DM-T9-K006	DHS 2009	HM-5402	US Department of Homeland Security / FEMA		10/01/09-09/30/10	1,000,000	First Responder Tech Training
Grant No: EMW-2008-FP-01801	Fire Act 2008	IAFF-0067	US Department of Homeland Security / FEMA		09/11/09 - 11/10/10	749,987	Fire Prevention & FF Safety
Grant No: EMW-2008-FP-01801	BurnFire Act 2008	BURN-0016	US Department of Homeland Security / FEMA		08/28/09 - 08/27/10	750,000	Fire Prevention & FF Safety
Grant No: EMW-2009-CA-0001	Redmond 2009	Red-30	USFA / FEMA		09/28/09 - 03/27/11	75,000	Fire Fighter Education & Safety

Grant No: W91CRB09C0098	TSWG 2	IAFF-0069	US Navy	09/14/09 - 03/14/10	149,982	Project Heroes First Responder Training
Grant No: HM-IAF-0001-10-01-00	DOT '09	HZ-4802	DOT	010/01/09 - 09/30/10	1,000,000	Fire Prevention & FF Safety
Grant No: EMW-2009-FP-01928	Fire Act 2009	IAFF-0070	US Department of Homeland Security / FEMA	04/23/10 - 04/22/11	999,995	
				FEDERAL TOTAL	21,060,808	
				TOTAL (INCLUDING PASS THRU GRANTS)	21,060,808	

International Association of Fire Fighters
Schedule of Federal Grants - In order of Start Date
As of April 6, 2011

Grant ID Number	Name of Grant	G/L Program	Granting Agency	Funding Cycle	Total Award Amount
Award No: 5U45ES0006167-18 S1	NIEHS-BP OIL SUPP	HM-4301	NIEHS	07/23/10 - 7/22/11	40,000
Award No: 5U45ES0006167-19	NIEHS-HWWT	HM-4203	NIEHS	08/01/10 - 07/31/11	600,441
Award No: 5U45ES0006167-19	NIEHS-HDPTP	HM-6403	NIEHS	08/01/10 - 07/31/11	186,974
Award No: 2010-RE-10- K003	DHS/FEMA-USFA	0041	Department of Homeland Security/FEMA/USFA	08/01/10 - 07/31/11	100,000
Award No: 5U45ES009759-19	NIEHS-DOE	HM-4603	NIEHS	09/01/10 - 08/31/11	661,846
Award No: 5T15OH009230-04	NIOSH	HM-4003	NIOSH	09/30/10 - 09/29/11	1,771,109
Award No: SH-20994- 10-60-F-11	SUSAN HARWOOD	HM-5003	DOL	09/30/10 - 9/30/10	220,000
Award No: HM-IAF- 0004-11-01-00	DOT	HM-4803	DOT	10/01/10 - 09/30/11	1,000,000
Award No: 2010-DM- T0-K018	DHS 2010	HM-5403	US Department of Homeland Security / FEMA	10/01/10 - 09/30/11	1,000,000
FEDERAL TOTAL					5,580,370
TOTAL (INCLUDING PASS THRU GRANTS)					5,580,370

Purpose of
Award

Gulf Oil Spill Training
Hazmat Training
Hazmat Training
EMS Safety Manual
DOE Site Response Training
First Responder Training
Hazmat Training
Hazmat Training
First Responder Tech Training

Biographical Information
Kevin B. O'Connor

Kevin O'Connor currently serves as Assistant to the General President of the International Association of Fire Fighters, a labor union representing over 285,000 members across the United States and Canada.

In his capacity, Mr. O'Connor supervises the IAFF's Governmental Affairs, Political Action, Communications & Media, and Publications & Public Relations Departments. The Government Affairs Department develops policy objectives for the International and engages in lobbying efforts before Congress and various regulatory agencies. Political Action constructs an overall strategy to evaluate, endorse and assist candidates favorable to the IAFF in federal, state and local elections. The IAFF's external and internal communications, public relations and community outreach stem from the Communications and Media and Publications and PR Departments.

Previously, Mr. O'Connor served concurrently as president of the Maryland State and District of Columbia Professional Fire Fighters and the Baltimore County Fire Fighters Association, Local 1311, with a collective membership of 7,500. He held the position of vice president and chairman of the Legislative and Economic Development Committees of the Maryland State and District of Columbia AFL-CIO as well as serving as a Director of the Baltimore Port Council. For twelve years, Kevin was a trustee and chair of the two billion dollar Baltimore County Employees Retirement System. Mr. O'Connor was a gubernatorial appointee and commissioner on both the Maryland Economic Development Commission and the Maryland Fire Rescue Education and Training Commission. He currently serves as a corporate Director of the University of Maryland Medical Systems and is a trustee of the Pharmaceutical Labor-Management Association (PILMA).

Kevin served as Chairman of the Congressional Fire Service Institutes Advisory Board from 2008-2010. The Advisory Board is comprised of over 50 organizations, universities and businesses that advocate and lobby on behalf of fire service and homeland security issues before Congress and Executive Branch agencies and support the Congressional Fire Services Caucus, the largest bi-partisan Ad-Hoc Caucus on Capitol Hill.

Kevin proudly served for fifteen years as a fire fighter/EMT in the Baltimore County Fire Department, where he saw duty both as a line fire fighter and as aide to the Chief of the Department. He received a commendation for bravery for a rescue during a multiple alarm apartment fire. Mr. O'Connor majored in Political Economy at Washington and Lee University and graduated from the Harvard Trade Union Program.

He was honored by the State of Israel Bonds as Outstanding Labor Leader of 1999. In 2010, Kevin won the Congressional Fire Services Caucus's highest honor, the Mason Langford Award for lifetime leadership in the fire service. Mr. O'Connor was conferred title of president emeritus of both the Baltimore County Fire Fighters Association, Local 1311 and the Maryland State and District of Columbia Professional Fire Fighters.